



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.

LRL-2016-525-gjd

Open Date:

8 Sep 2016

Close Date:

10 Oct 2016

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. George DeLancey, CELRL-OPF-MCE

6855 State Road 66

Newburgh, Indiana 47630

Phone: (812) 842-2807

This notice announces an application submitted for a Department of the Army (DA) permit, subject to Section 404 of the Clean Water Act.

APPLICANT: Professional Properties & Construction, LLC
1402 East 18th Street
Owensboro, KY 42303

LOCATION: Unnamed tributaries and abutting wetlands of Horse
Fork Creek, Owensboro, Daviess County, Kentucky.
Latitude: 37.741220
Longitude: -87.092300
7.5 Minute Quad: Sutherland, KY

PURPOSE: To construct a commercial development.

DESCRIPTION OF WORK: To facilitate the construction of commercial building lots and attendant features, the applicant would fill 1.28 acres of Palustrine Forested (PFO) wetlands and 85' of an unnamed intermittent streams.

It should be noted that this request includes an after the fact permitting component as the applicant has already cleared and filled 0.6 acre of PFO wetlands and 85 linear feet of intermittent streams without proper prior DA approval.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: As mitigation for the unavoidable impacts associated with this project, the applicant is proposing to restore 3.6 acres of PFO and about 830 linear feet of riparian area at an off site location abutting Panther Creek, just northeast of West Louisville, Kentucky. The tree plantings associated with this mitigation would be primarily managed for hard mast trees.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

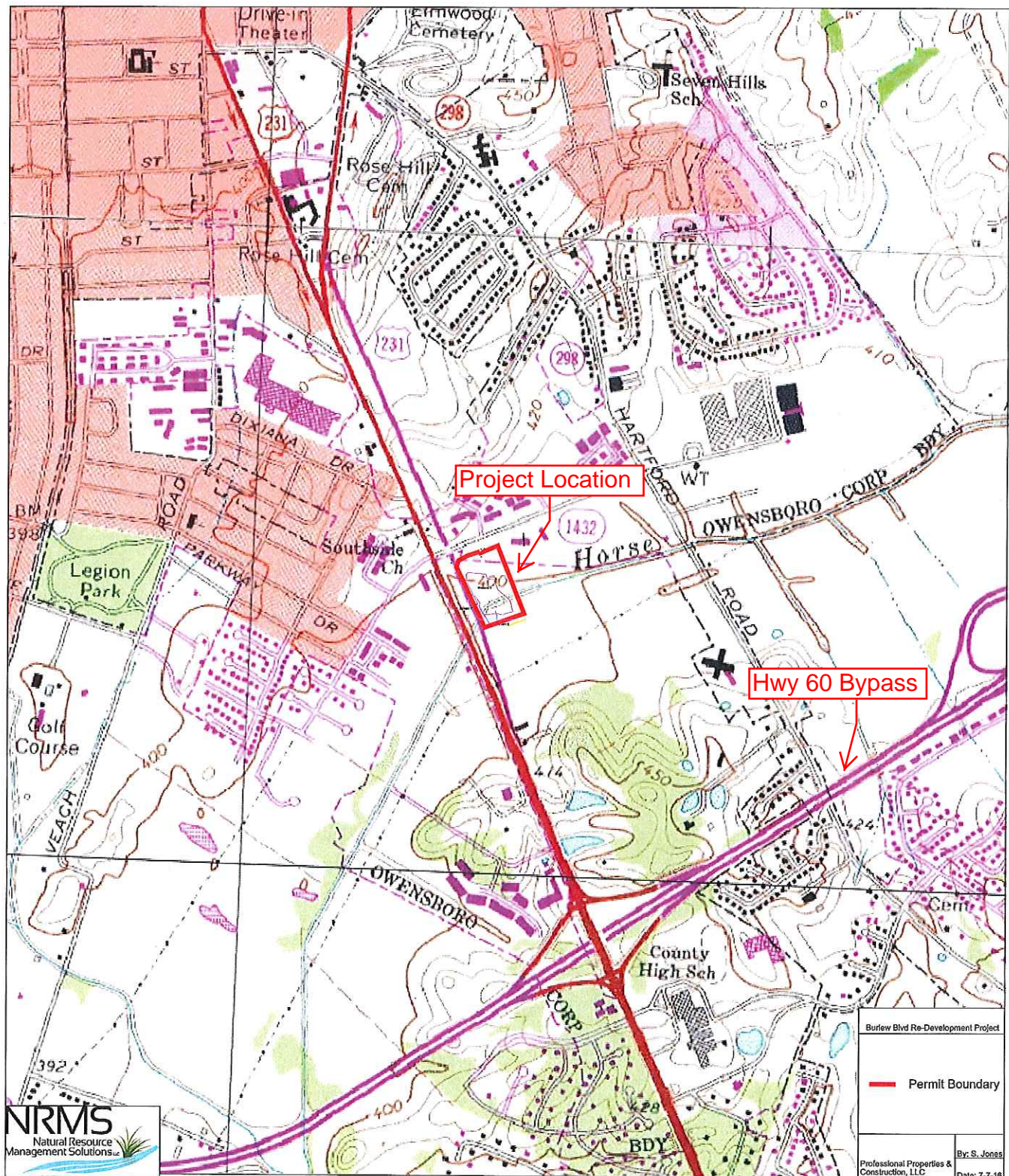
The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of

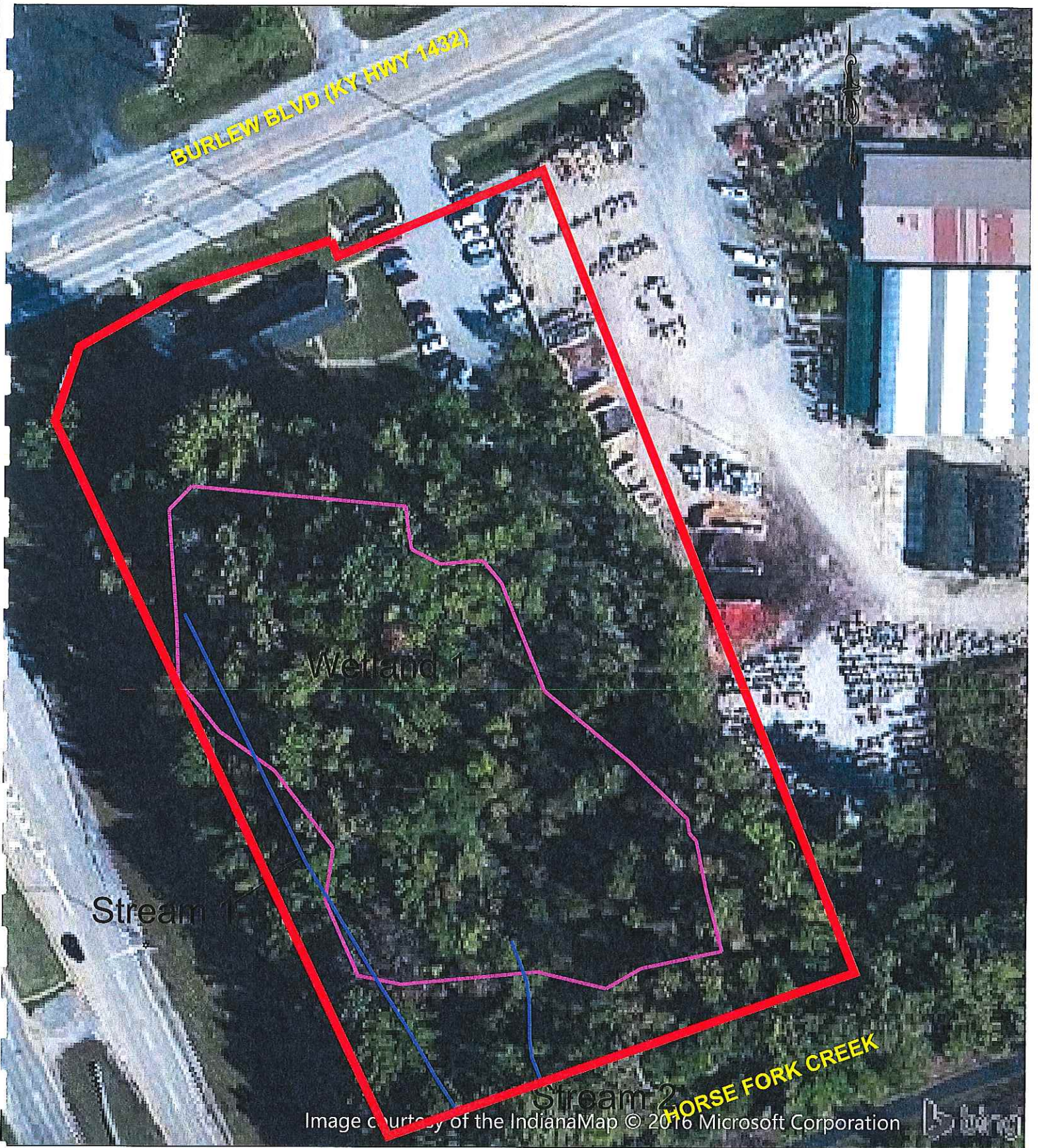
an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx> under "Obtain a Permit". All comments regarding this proposal should be addressed to Mr. George DeLancey; CELRL-OPF-MCE at the address noted above and should refer to the Public Notice Number LRL-2008-320-gjd.



Burlew Re-Development Project
Corps ID# - LRL-2015-525-gjd
Location Map
Map 1 of 3

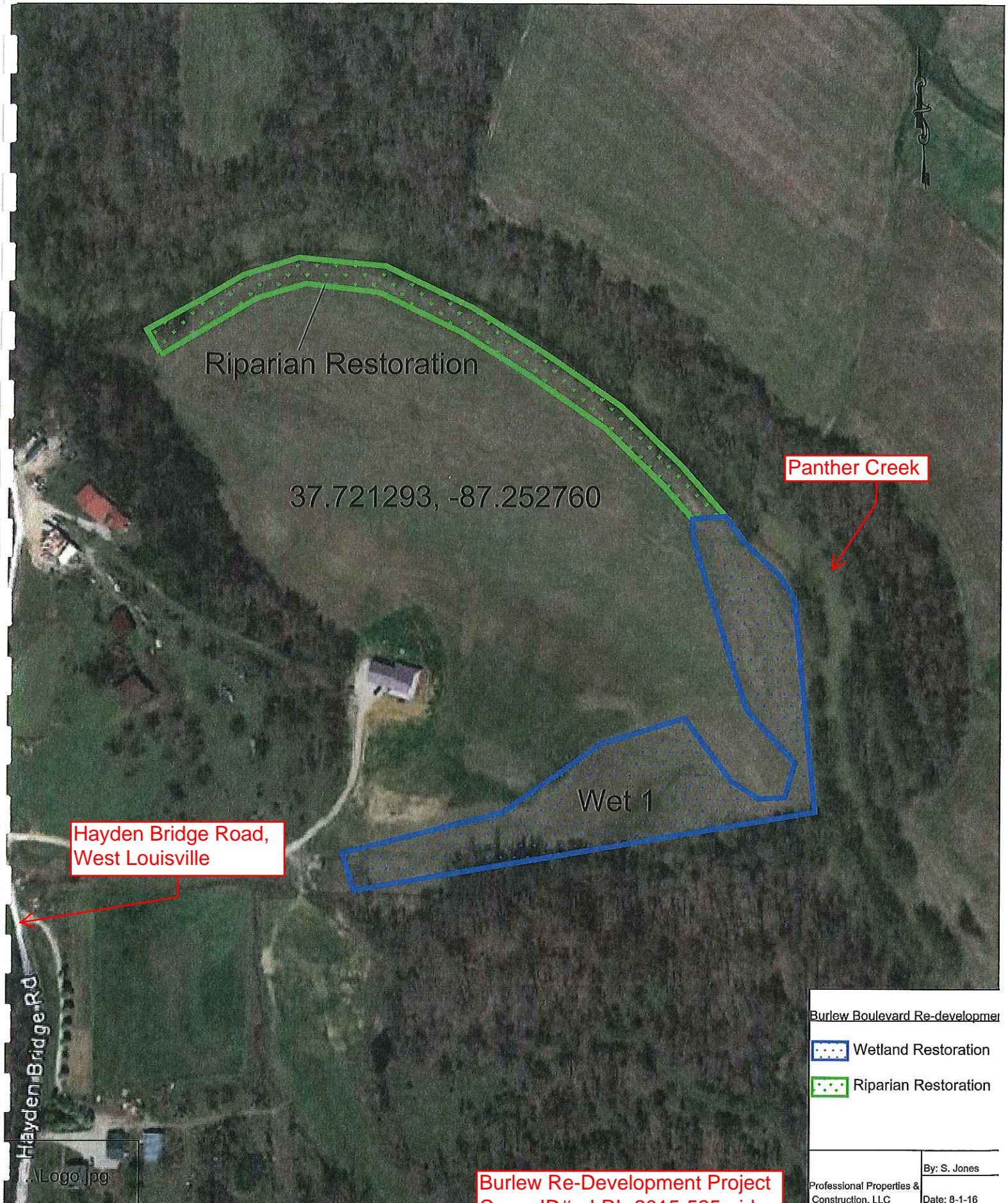


Burlew Re-Development Project
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Location Map
Map 2 of 3

1030 Burlew Blvd Development Delineation M

- Ephemeral Streams
- Wetlands
- Property Lines

Professional Properties
& Construction, LLC



Burlew Boulevard Re-developmer

-  Wetland Restoration
-  Riparian Restoration

Professional Properties & Construction, LLC	By: S. Jones
	Date: 8-1-16

Burlew Re-Development Project
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Mitigation Location Map
Map 3 of 3